

# EXHIBIT 8

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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SKYLINE SOFTWARE SYSTEMS,  
INC.,

Plaintiff,

vs.

KEYHOLE, INC., and GOOGLE,  
INC.,

Defendants.

**CONFIDENTIAL**

No. 04-11129 DPW

DEPOSITION OF  
MICHAEL JONES

June 26 and 27, 2006

VOLUME I

(Pages 1 - 377)

HIGHLY CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

REPORTED BY: SARAH LUCIA BRANN, CSR 3887

1 A P P E A R A N C E S

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12 FOR KEYHOLE, INC. and GOOGLE, INC.:

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17 ALSO PRESENT:

18 MICHAEL KWUN, Litigation Counsel, Google

19 GRETCHEN VOGEL, Videographer, LegaLink

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1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE DISTRICT OF MASSACHUSETTS

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4 SKYLINE SOFTWARE SYSTEMS,           )  
5     INC.,                               )  
6                               Plaintiff,           )  
7                               vs.                    ) No. 04-11129 DPW  
8 KEYHOLE, INC., and GOOGLE,           )  
9     INC.,                               )  
                                  Defendants.        )  
                                  \_\_\_\_\_)

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11                               --oOo--

12           BE IT REMEMBERED that, pursuant to Notice,  
13 and on Monday, June 26, 2006, commencing at 11:20  
14 a.m. thereof, at 1400 Page Mill Road, Palo Alto,  
15 California, before me, Sarah Lucia Brann, a  
16 Certified Shorthand Reporter, personally appeared

17                               MICHAEL T. JONES

18                               \_\_\_\_\_

19 called as a witness by the Plaintiff, who, having  
20 been first duly sworn, was examined and testified as  
21 follows:

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12:10:17 1 your attorneys from the Lockheed Martin references  
12:10:20 2 in your collection?

12:10:21 3 A. I sent e-mail describing and summarizing  
12:10:23 4 my opinions.

12:10:24 5 Q. Who did you send that e-mail to, please?

12:10:33 6 A. To Michelle Lee at Google.

12:10:33 7 Q. And is Michelle Lee an attorney?

12:10:33 8 A. That is my understanding, but I have never  
12:10:33 9 seen her, you know, document -- her plaque basically  
12:10:38 10 on the wall.

12:10:40 11 Q. Okay. So you sent the --

12:10:43 12 A. She was represented to me as an  
12:10:44 13 attorney --

12:10:45 14 Q. Okay, thanks.

12:10:45 15 A. -- and it was an attorney-client  
12:10:46 16 privileged conversation, kind of conversation.

12:10:48 17 Q. We don't want to get into that. But how  
12:10:50 18 about the Kodak-IBM early work?

12:10:54 19 A. I also --

12:10:54 20 Q. When was the last time you saw those?

12:10:54 21 A. Same time.

12:10:56 22 Q. And you also referred those to Ms. Lee?

12:10:58 23 A. I referred to them as examples of the kind  
12:11:01 24 of thing. Now, like I said, those were -- in the  
12:11:06 25 analysis I did, there were much more clear

12:11:12 1 separations between our products and the patent. So  
12:11:14 2 invalidating the patent seemed really -- wasn't so  
12:11:20 3 important to me as understanding whether we  
12:11:22 4 infringed it, and since we didn't infringe it, I  
12:11:26 5 thought there was no reason to worry about  
12:11:28 6 invalidating it. So I didn't really pursue that  
12:11:31 7 with great vigor. I actually just did a cursory  
12:11:33 8 analysis, I am sure the same kind of analysis you  
12:11:35 9 could do with Google search in a day. You would  
12:11:36 10 know all the same things.

12:11:38 11 Q. Have you done a more detailed analysis of  
12:11:38 12 the patent's validity since that cursory analysis?

12:11:39 13 A. I personally have not, no.

12:11:42 14 Q. So the last time you analyzed the patent's  
12:11:45 15 validity was about two years ago?

12:11:48 16 A. Yes. My thinking was that things that  
12:11:52 17 happened since then wouldn't invalidate an older  
12:11:54 18 patent, so my research was always for things that  
12:11:58 19 were before.

12:11:59 20 Q. So, since your cursory analysis about two  
12:12:03 21 years ago, you haven't done a subsequent examination  
12:12:06 22 of prior art and the '189 patent to determine its  
12:12:10 23 validity?

12:12:11 24 A. I have not done --

12:12:13 25 MR. WOO: Object to the form. Wait. So

12:33:43 1 things that are related, kind of the whole

12:33:46 2 prosecution, I think, of the patent.

12:33:47 3 And I felt like the Cosman article was so

12:33:51 4 obviously aligned and so similar that to not mention

12:33:55 5 it was odd. So it was the oddness of that and some

12:34:00 6 of the sort of tangential nature of some of the

12:34:04 7 other things that were cited that almost misdirected

12:34:07 8 the examiner off to like looking at unrelated

12:34:09 9 things, that I thought, you know, this is really

12:34:11 10 going to confine any reexamination of this patent

12:34:14 11 really to just the claims set.

12:34:15 12 And that was -- my whole goal was not to

12:34:18 13 invalidate or understand invalidation, but to

12:34:22 14 understand kind of what would be the nature of what

12:34:24 15 would be considered valid, to then debate whether or

12:34:28 16 not we infringe it.

12:34:30 17 Our issue at Keyhole was not to invalidate

12:34:33 18 the Skyline patent, nor, as a matter of fact, to

12:34:38 19 even do business with Skyline. We never really saw

12:34:41 20 them.

12:34:42 21 Our issue was to understand if we were

12:34:45 22 actually infringing, as was suggesting by Skyline.

12:34:48 23 Since their letter to us didn't say what product or

12:34:50 24 what it was that made them think we were infringing,

12:34:50 25 it did give no -- it just said, "We think you

12:34:55 1 infringe." It would be like sending a letter to  
12:34:58 2 Kodak saying, "I think you infringe." It was hard  
12:35:01 3 to know what to do.

12:35:02 4           So I looked at the patent number to try to  
12:35:04 5 understand what it was talking about. I looked at  
12:35:06 6 kind of related art to understand what seemed to be  
12:35:08 7 patented. I looked at trade press to see what was  
12:35:11 8 described before they had filed, and said, "Okay, I  
12:35:12 9 think, you know, the city is mostly built up. It's  
12:35:15 10 only a couple of lots that are open, so I need to  
12:35:18 11 see if we have anything that goes through that  
12:35:20 12 territory."

12:35:21 13           I looked through the code, and we didn't.  
12:35:22 14 I looked through it with the engineers. I talked  
12:35:24 15 through things. I felt comfortable. And so that  
12:35:27 16 was then the basis of my opinion.

12:35:29 17       Q.   That was the basis of your opinion that  
12:35:31 18 what? The patent was valid or invalid?

12:35:35 19       A.   That we did not infringe their patent. I  
12:35:37 20 didn't -- like I said, I didn't perform an  
12:35:39 21 invalidity analysis.

12:35:41 22       Q.   But today as you sit here in your personal  
12:35:44 23 capacity, and having reviewed the '189 patent in  
12:35:47 24 detail, and having familiarity with the content of  
12:35:51 25 the Cosman reference listed here, can you tell me



## CERTIFICATE OF REPORTER

I, SARAH LUCIA BRANN, a Certified  
Shorthand Reporter, hereby certify that the witness  
in the foregoing deposition was by me duly sworn to  
tell the truth, the whole truth, and nothing but the  
truth in the within-entitled cause;

That said deposition was taken down in  
shorthand by me, a disinterested person, at the time  
and place therein stated, and that the testimony of  
the said witness was thereafter reduced to  
typewriting, by computer, under my direction and  
supervision;

That before completion of the deposition,  
review of the transcript [ ] was [X] was not  
requested. If requested, any changes made by the  
deponent (and provided to the reporter) during the  
period allowed are appended hereto.

I further certify that I am not of counsel  
or attorney for either or any of the parties to the  
said deposition, nor in any way interested in the  
event of this cause, and that I am not related to  
any of the parties thereto.

**CERTIFIED TRANSCRIPT  
LEGALINK BOSTON**

DATED: December 8, 2006



SARAH LUCIA BRANN, CSR No. 3887